THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24180 OF 1997

DATED: 07-03-2007

Between:

Smt Sallema Be Shaik

.. Petitioner

and

The Secretary, Government of A.P., Department of Education, Secretariat Buildings, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24180 OF 1997

ORDER:

This writ petition is filed seeking a mandamus directing the 4th respondent to regularize the services of the petitioner as Lecturer in Hindi in 5th respondent-college with effect from her initial appointment i.e. 18.08.1996 with all consequential benefits; or, in the alternative, to direct the 3rd and 4th respondents to consider the case of the petitioner for regularization of her services in the post of Lecturer in Hindi against a regular vacancy, as per G.O.Ms.No.362 dated 07.10.1994.

It appears, the petitioner did M.A. in Hindi through Correspondence Course conducted by Mysore University. She also obtained Praveena Course, equivalent to Degree, conducted by Dakshina Bharatha Hindi Prachara Sabha. She also passed Pracharak Course, which is also conducted by the said Dakshina Bharatha Hindi Prachara Sabha, and the same is equivalent to B.Ed. Course. She was appointed as a Lecturer in Hindi in the 5th respondent-College on a consolidated pay of Rs.400/-, which was being increased from time to time. The 5th respondent-college was admitted to grant-in-aid in the year 1994. The posts of Lecturer in English, Telugu and Hindi were admitted to grant-in-aid in the same year. However, no selections were conducted to the post of Lecturer in Hindi and the petitioner was continued in the same post, even after the post was admitted to grant-in-aid. The 5th respondent-college is affiliated to Sri Venkateswara University, Tirupathi. The petitioner was entrusted with 24 classes per week and she has been working to the satisfaction of one and all. Thus, she has been teaching Hindi for the last twenty one years (as of now) to the under-graduate students. While the matter stood thus, the 1st respondent issued G.O.Ms.No.362 dated 07.10.1994 directing the regularization of Part-time Lecturers and Junior Lecturers working in private and aided Degree, Oriental

and Junior colleges, against the posts admitted to grant-in-aid. But, according to the petitioner, till date, neither her services were regularized nor she was put on regular time scale of pay.

Respondents 4 and 5 filed a common counter-affidavit denying the allegations made by the petitioner and stating that G.O.Ms.No.362 Education dated 07.10.1994 is not applicable to the petitioner. Further, it is stated that the post of Lecturer in Hindi is not admitted to grant-in-aid and, therefore, the question of regularizing the services of the petitioner in the regular post and paying regular time scale of pay does not arise. The College has been regularly paying the salary to the petitioner since her appointment into the College.

From the above, it is clear that the post held by the petitioner is not admitted to grant-in-aid and, hence, G.O.Ms.No.362 dated 07.10.1994 is not applicable to the case of the petitioner. Therefore, she is neither entitled for regularization of her services as Lecturer in Hindi in the 5th respondent-College, nor eligible for time scale of pay applicable to the regular employees.

Be that as it may, since the petitioner is working for the last twenty one years as a Lecturer in Hindi in the 5th respondent-College, on petty salary, if the post held by her is admitted to grant-in-aid in the meanwhile, she shall be absorbed into the said vacancy and shall be put on regular time scale of pay.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V. RAMULU, J

7th March, 2007.
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